



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES
6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588

MARK H



**LETTER OF DEFICIENCY
WET #SC2004-0006**

March 18, 2004

Marc Moreau
18 Flower Drive
Barrington, New Hampshire 03825

RE: Wetlands Bureau Complaint File #2004-339, Moreau, Tolend Road, Dover Tax C / Lot 39B & 39D.

Dear Mr. Moreau:

As you may be aware, on February 27, 2004, personnel from the Department of Environmental Services ("DES") along with Barry Keith of B.H. Keith Associates conducted an inspection of the above referenced property, more specifically referenced on the City of Dover Tax Map C as Lots 39B & 39D (the "Property"). The purpose of the inspection was to discuss a voluntary compliance with RSA 482-A, the New Hampshire Wetlands Law.

It has been determined that filling of approximately 30,500 sq. ft. of freshwater wetlands took place on the property without a permit from the DES Wetlands Bureau.

DES requests that you take the following action:

1. Retain a qualified wetland consultant to generate a plan which depicts existing conditions showing the topography of the property, and quantifies by field survey the current extent of disturbance in jurisdictional wetlands, and a restoration plan, as described below.
2. Submit both the existing conditions plan, and a restoration plan no later than May , 2004 for review and approval including:
 - a. A plan with dimensions for the removal of the unpermitted fill in wetlands as quantified in #1 above and regrading the disturbed areas to original contours;
 - b. Planting plan (forested/scrub-shrub wetland species) for the stabilization of the removal areas;
 - c. Equipment and methods of erosion control (silt fence, hay bales, etc.);
 - d. Construction sequence and timetable for accomplishing remediation no later than September 1, 2004.
3. Retain a qualified wetland consultant to supervise and execute the requests of this letter.
4. Execute the restoration plan immediately upon receipt of the restoration plan approval from the DES Wetlands Bureau.

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5. Coordinate with the Invasive Species Coordinator with the Department of Agriculture for the removal of the phragmites on the property.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging or filling in and adjacent to wetlands or surface waters, an individual is required to obtain a permit from the Wetlands Bureau. If work is done without a permit from the Wetlands Bureau, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.


Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows

David Price, Compliance Investigator
Wetlands Bureau
Department of Environmental Services
360 Corporate Drive
Suite 2
Portsmouth, NH 03801

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at (603) 433-6183 or by e-mail at dprice@des.state.nh.us.

Sincerely,

COPY

Dori Wiggin
Coastal Supervisor
DES Wetlands Bureau

DAW/dap

CERTIFIED MAIL #7003 1010 0003 3557 2753

cc: Rene Pelletier, Manager, Land Resources Management Program
Mark Harbaugh, DES Legal Unit
Doug Cygan, Department of Agriculture
Barry Keith, B.H. Keith Associates
Alan Dews, City of Dover
Dover Conservation Commission